



Protecting Access to SNAP



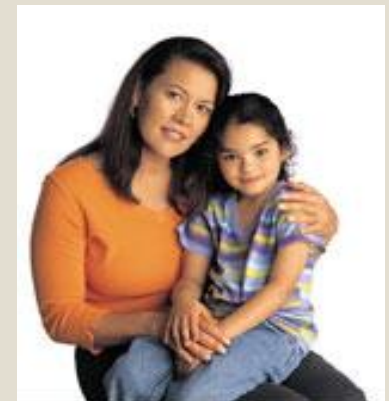
Supplemental Nutrition Assistance Program Non-Citizen Guidance

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Welcome

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Purpose

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- Better understanding of SNAP non-citizen policy
- Protect access for mixed-status households
- Comply with civil rights and privacy laws

States can access the Guidance at:

http://www.fns.usda.gov/snap/government/pdf/Non-Citizen_Guidance_063011.pdf



Short History



Before PRWORA (1996): Most legal immigrant eligible for SNAP the same as citizens



PRWORA: Most lost eligibility



1998: Congress began to restore SNAP eligibility for legal immigrants in the U.S. before 8-22-96 if they were elderly, children, or disabled



2002 Farm Bill: Restored eligibility to most legal immigrants who:

- ❖ Have lived in the country for 5 years; or
- ❖ Are children, regardless of entry date; or
- ❖ Are receiving disability-related assistance or benefits, regardless of entry date

SNAP Participation for Non-Citizens

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- Although many non-citizens are now eligible for SNAP, program participation has been historically low among eligible non-citizen households.
- 2009 National Participation Rates:
 - 56% for non-citizens
 - 63% for citizen children living with non-citizen adults
 - 92% for all eligible children

Source: Mathematica Policy Research, *Trends in Supplemental Nutrition Assistance Program Participation Rates: 2002-2009* (August 2011).

Latinos Have Higher Than Average Food Insecurity Rates and Lower SNAP Participation Rates

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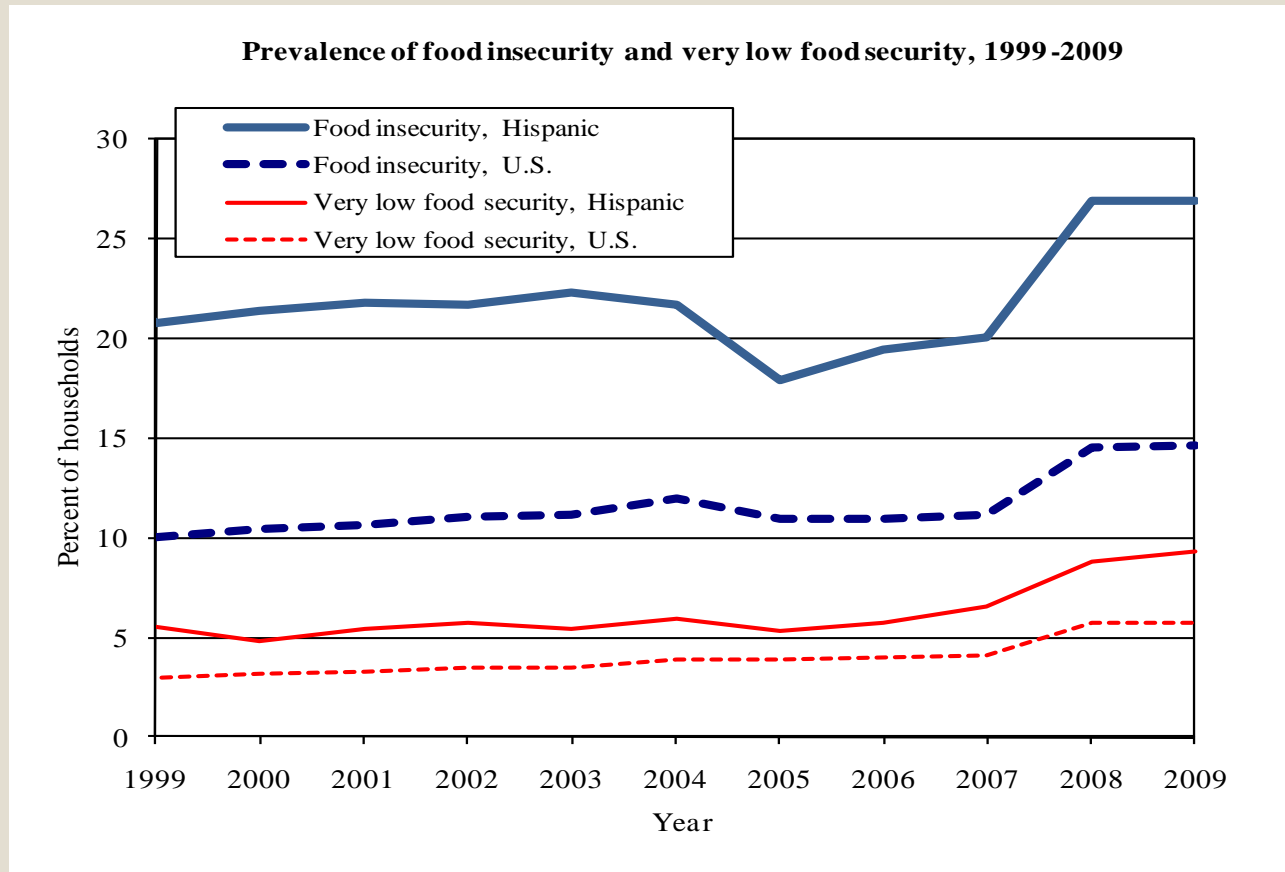
- 45 million people participate in SNAP monthly
- About half are children

Indicator	National Average	Rate Among Hispanics
Food Insecurity	15%	26%
SNAP Participation Rate Among Eligible Individuals	72%	56%

Source: USDA Research

Latinos Have Higher Than Average Food Insecurity Rates and Lower SNAP Participation Rates

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Source: USDA Economic Research Service

Barriers to Program Access



Why some non-citizen households do not apply for SNAP:

- Public Charge — perception that applying for or receiving SNAP benefits could affect immigration status
- Sponsor Deeming — uncertainty of whether sponsor deeming applies and what effect it may have on the sponsor
- Language or Literacy Barriers —
 - inability to read or write in their native language
 - limited English proficiency
- Program Knowledge — overall lack of information or misinformation about SNAP availability or rules

Public Charge and Myths

Common
misconceptions
that prevent some
non-citizens from
applying for SNAP

- You do NOT have to be a U.S. citizen to be eligible for SNAP. Some legal immigrants are eligible.
- Applying for or receiving SNAP does NOT make a non-citizen a public charge.
- Applying for or receiving SNAP does NOT affect the non-citizen's immigration status or ability to become a U.S. citizen.
- You do NOT need to speak or read English to be eligible.
- Just because a parent is ineligible does NOT necessarily mean his or her child is ineligible.

Terminology



We use the term ***non-citizen*** in the Guidance for:

- ❖ Any individual present in the U.S. who is not a U.S. citizen, including but not limited to qualified aliens, lawful permanent residents, and undocumented immigrants
- ❖ Improve consistency and readability

General Eligibility



- Most non-citizens must be in a qualified alien category as defined in PRWORA to be potentially eligible for SNAP.
- Most legal immigrants have a 5-year waiting period before they can get SNAP.
- There is no waiting period for certain qualified aliens, including children under 18, certain elderly or disabled, or for those admitted for humanitarian reasons such as refugees and asylees.
- Eligible non-citizens must also satisfy other SNAP eligibility requirements to be eligible, such as income and resource limits.

Tri-Agency Guidance

February 18, 2011 Policy Memo: FNS guidance to help States better align their online applications with the Tri-Agency Guidance by emphasizing that:

- States must provide SNAP clients the ability to opt out early in the application process and be treated as non-applicants.
- States may not deny SNAP to eligible household members if the non-applicant does not disclose his or her citizenship, immigration status, or Social Security number.
- States must comply with applicable civil rights and privacy laws so the online application process does not inadvertently deter participation on the basis of national origin.

Applying for SNAP



Who can apply for SNAP?

Ineligible non-citizens may apply for other household members

Why is this important?

Most eligible children rely on the adults in the home to apply on their behalf in order to receive the help they need

Verification of Immigration Status



- State agencies need only verify the immigration status of those applying for SNAP benefits.
- State agencies may not:
 - Verify the immigration status of those applying on behalf of others; or
 - Deny a household if a non-applicant member does not disclose their immigration status or Social Security number
- State agencies must assist household in verifying immigration status if needed.
- SNAP regulations provide that anyone who is unable or unwilling to provide documentation is an ineligible non-citizen. States must cease efforts to obtain documentation for that individual.

Sponsor Deeming

When the State counts a portion of the sponsor's income and resources to the sponsored non-citizen.

- State agencies should always review if a household meets an exception to sponsor deeming prior to budgeting the sponsor's income.
- Applies only to certain eligible LPRs whose sponsor has signed a legally binding affidavit of support form.
- Sponsor deeming does not apply to individuals who are indigent.
- ***Sponsor deeming does not apply to children under 18.***



Treatment of Income

Statewide Options



Pre-PRWORA Ineligibles (e.g. visitors, students, and undocumented)

Count pro-rata share of income and deductible expenses

Apply gross income test first and then count pro-rata share of income and deductible expenses

Count all income and deductible expenses

PRWORA Ineligibles (e.g. LPRs subject to 5-year bar)

Count pro-rata share of income and deductible expenses

Count none of the income and cap allotment at lower amount.

Reporting Requirements

States agencies are required to notify USCIS when:

- A household member is ineligible to receive SNAP and known to be unlawfully present in accordance with SNAP regulations (this should be consistent with applicable civil rights and privacy laws);
- A non-citizen is indigent and exempt from sponsor deeming; or
- The State agency obtains a final civil judgment against the sponsor.



Unlocking Barriers to Program Access

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FNS Policy clarifications and guidance to help improve access:

- **SNAP Guidance on Non-Citizen Eligibility** – June 2011 update that communicates current SNAP policy in a user-friendly, welcoming format:
http://www.fns.usda.gov/snap/government/non_citizen_guidance.htm .
- **Tri-Agency Guidance and Online Apps memo** – to ensure States align online applications with the Tri-Agency Guidance, in order to protect client civil and privacy rights regarding inquiries into citizenship, immigration status, and Social Security numbers:
http://www.fns.usda.gov/snap/rules/Memo/pdfs/Tri-Agency_Guidance_Memo-021811.pdf .
- **Public Charge All State Commissioners Letter** – reiterates the agency's longstanding support of USCIS policy that certain public benefits are not subject to public charge determinations, including SNAP: <http://www.fns.usda.gov/snap/rules/Memo/2010/020110.pdf> .
- **SNAP Policy on Immigrants and Access Issues**—summarizes SNAP policy as it relates to program access, with links to key policy memos:
<http://www.fns.usda.gov/snap/rules/Memo/2012/03092012.pdf>



Outreach Tools

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- **Get Involved:** <http://www.fns.usda.gov/outreach/getinvolved>
- **Order outreach materials:** <http://snap.ntis.gov/>
- **Web pre-screening tool for SNAP in English and Spanish:**
<http://www.snap-step1.usda.gov/fns/>
- **5 Steps to SNAP:** [SNAP 5-Steps](#) (English) [SNAP 5-Steps](#) (Spanish) or at
- **SNAP Outreach Toolkit:**
http://www.fns.usda.gov/snap/outreach/pdfs/toolkit/2010/Community/tool-kits_partners.htm
- **Free PSAs :** <http://www.fns.usda.gov/snap/outreach/psas.htm>
- **FNS Outreach Coalition:** <http://www.fns.usda.gov/snap/outreach/about.htm>

Thank You!

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